

Dennis L. Wilson (Bar No. 155407)
dwilson@kmwlaw.com
David K. Caplan (Bar No. 181174)
dcaplan@kmwlaw.com
Tara D. Rose (Bar No. 256079)
trose@kmwlaw.com
KEATS McFARLAND & WILSON LLP
9720 Wilshire Boulevard
Penthouse Suite
Beverly Hills, California 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

**Attorneys for Plaintiff
Summit Entertainment, LLC**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SUMMIT ENTERTAINMENT, LLC, a
Delaware limited liability company,

Plaintiff.

V.

HEATHER DEHART, an individual,
COLLEEN VAUGHAN, an individual,
CAROLINE ARVELIN, an individual,
and JOHN DOES 2-10.

Defendants.

Case No.: CV:10-1510 SJO (VBKx)

**FINAL JUDGMENT UPON
CONSENT AS TO DEFENDANT
HEATHER DEHART**

1 Plaintiff Summit Entertainment, LLC (“Plaintiff” or “Summit”), having filed a
2 Third Amended Complaint in this action charging defendant Heather DeHart
3 (“Defendant DeHart”), and other defendants, with Federal Copyright Infringement,
4 and Summit and Defendant DeHart (Summit and Defendant DeHart are hereinafter
5 collectively referred to as the “Parties”) desiring to settle the controversy between the
6 Parties, it is

7 **ORDERED, ADJUDGED AND DECREED** as between the Parties hereto
8 that:

9 1. This Court has jurisdiction over the Parties to this action and over the
10 subject matter hereof pursuant to 17 U.S.C. § 501, 28 U.S.C. § 1331, and § 1338(a).
11 Service was properly made against Defendant DeHart.

12 2. Summit produces and distributes feature films, including the popular
13 “Twilight Saga” films. The feature film “The Twilight Saga: Eclipse” (the “Film”) is
14 the third installment in the “Twilight Saga” franchise.

15 3. Summit owns all images and elements contained in the “Twilight Saga”
16 films, including without limitation the Film, which are entitled to protection under
17 federal copyright law.

18 4. In particular, Summit owns promotional still photographs featuring
19 characters and elements of the Film (the “Photographs”) that were created for Summit
20 as works for hire. Summit intended to strategically release a carefully-selected subset
21 of the Photographs to the public as part of its marketing strategy for the Film prior to
22 its theatrical release.

23 5. At all relevant times, Summit has owned all right, title, and interest in
24 and to the Film and the Photographs, including without limitation the copyrights
25 therein.

26 6. Summit complied in all respects with Title 17 of the United States Code,
27 and in compliance with the law obtained a federal copyright registration for the

1 Photographs under federal Copyright Registration No. VAu001013359. The
2 copyright is valid, subsisting and in full force and effect.

3 7. Defendant DeHart infringed Summit's rights in the Film and the
4 Photographs by reproducing and distributing unauthorized copies of a number of the
5 Photographs. Specifically, Defendant DeHart uploaded certain Photographs to the
6 Internet site Twitpic.com for distribution via Internet messaging service Twitter.com,
7 without authorization from Summit. Defendant DeHart began publicly distributing
8 the Photographs through these Internet sites on or about February 14, 2010.

9 8. Defendant DeHart's reproduction and distribution of copies of the
10 Photographs was without authorization and was without Plaintiff's consent.
11 Defendant DeHart acted with willful and intentional and/or reckless disregard of
12 Plaintiff's copyrights and Plaintiff sustained substantial damage as a result thereof. In
13 particular, Defendant DeHart's unauthorized distribution of the Photographs
14 undermined Summit's ability to use the Photographs in the most effective manner,
15 thereby irreparably damaging Summit's efforts to market the Film.

16 9. Defendant DeHart's conduct violated Summit's intellectual property
17 rights and Defendant DeHart is liable for the claim of Federal Copyright Infringement
18 asserted in Summit's Third Amended Complaint in this matter.

19 10. Defendant DeHart and her affiliates, agents, servants, employees,
20 representatives, successors, assigns, and any person, corporation or other entity acting
21 under Defendant DeHart's direction or control, or in active concert or participation
22 with Defendant DeHart, are immediately and permanently enjoined throughout the
23 world from:

24 a. Using, reproducing, distributing, selling or offering for sale, any
25 reproduction, counterfeit, or copy of the Photographs that were created for the purpose
26 of marketing, advertising and promoting the release and distribution of the Film or

1 other images, films, motion pictures, or other intellectual property owned by Summit;
2 and

3 b. Effecting assignments or transfers, forming new entities or
4 associations or utilizing any other device for the purpose of circumventing or
5 otherwise avoiding the prohibitions set forth herein; and

6 c. Breaching any agreement with Summit, including without
7 limitation the Settlement Agreement between the Parties in this litigation.

8 11. The jurisdiction of this Court is retained for the purpose of making any
9 further orders necessary or proper for the construction or modification of this
10 Judgment and the Settlement Agreement between the Parties, the enforcement of this
11 Judgment and the terms of the Settlement Agreement between the Parties which
12 provides for a confidential settlement payment, and the punishment of any violations
13 thereof.

14 12. This Judgment shall be deemed to have been served upon Defendant
15 DeHart at the time of its execution by the Court.

16 13. The Court expressly determines that there is no just reason for delay in
17 entering this Judgment, and pursuant to Rule 54(b) of the Federal Rules of Civil
18 Procedure, the Court directs entry of judgment against Defendant DeHart.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

14. This Judgment is a final judgment, entered against Defendant DeHart pursuant to Federal Rule of Civil Procedure 54(b). This Judgment is not and shall not be deemed to be a judgment as to any of Summit's claims against any defendants in this litigation other than Defendant DeHart.

The stipulations contained in the Stipulation Regarding Entry of Final Judgment bind only the parties to the stipulation.

2/16/11

S. James Oten

Dated _____, 2011

Honorable S. James Otero
United States District Court Judge

Presented by:

DENNIS L. WILSON
DAVID K. CAPLAN
TARA D. ROSE
KEATS McFARLAND & WILSON LLP
9720 Wilshire Blvd.
Penthouse Suite
Beverly Hills, CA 90212
(310) 248-3830

Dennis L. Wilson
Attorneys for Plaintiff
Summit Entertainment, LLC

CONSENTS

The undersigned hereby consents to the entry of Final Judgment Upon Consent.

Dated _____, 2011

Heather DeHart